

**House File 2091 - Introduced**

HOUSE FILE 2091

BY HEARTSILL

**A BILL FOR**

1 An Act relating to electronic and mechanical eavesdropping.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 727.8, Code 2018, is amended to read as  
2 follows:

3 **727.8 Electronic and mechanical eavesdropping.**

4 1. "Monitoring device" means a digital video or audio  
5 streaming or recording device that records, listens to, or  
6 otherwise intercepts video or audio communications placed  
7 outside of a person's dwelling or other structure that is not  
8 in a shared hallway and is on real property owned or leased by  
9 the person.

10 2. Any person, having no right or authority to do so, who  
11 taps into or connects a listening or recording device to any  
12 telephone or other communication wire, or who by any electronic  
13 or mechanical means listens to, records, or otherwise  
14 intercepts a conversation or communication of any kind, commits  
15 a serious misdemeanor; provided, that the.

16 3. This section does not apply to any of the following:

17 a. The recording by a sender or recipient of a message or  
18 one who is openly present and participating in or listening to  
19 a communication shall not be prohibited hereby from recording  
20 such message or communication; and further provided, that  
21 nothing herein shall restrict the.

22 b. The use of any radio or television receiver to receive  
23 any communication transmitted by radio or wireless signal.

24 c. The use of a monitoring device.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with  
27 the explanation's substance by the members of the general assembly.

28 This bill relates to illegal electronic and mechanical  
29 eavesdropping.

30 Currently, it is a serious misdemeanor for a person to  
31 tap into or connect a listening or recording device to any  
32 telephone or other communication wire, or through electronic or  
33 mechanical means to listen to, record, or otherwise intercept a  
34 conversation or communication of any kind.

35 Under current law, there are two exceptions to the criminal

1 offense of illegal electronic and mechanical eavesdropping.  
2 First, the sender or recipient of a message or one who  
3 is openly present and participating in or listening to a  
4 communication is not prohibited from recording such a message  
5 or communication. Second, the use of any radio or television  
6 receiver to receive any communication transmitted by radio or  
7 wireless signal is not prohibited.

8 The bill creates a third exception to illegal electronic and  
9 mechanical eavesdropping by permitting the use of a monitoring  
10 device.

11 The bill defines "monitoring device" to mean a digital video  
12 or audio streaming or recording device that records, listens  
13 to, or otherwise intercepts video or audio communications  
14 placed outside of a person's dwelling or other structure that  
15 is not in a shared hallway and is on real property owned or  
16 leased by the person.